

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)



Order Filed on December 11, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:
Stephen J. Conte, Jr.

Case No.: 18-29278

Chapter: 11

Hearing Date:

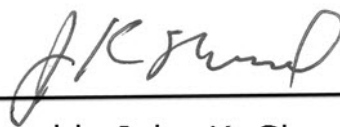
Judge: John K. Sherwood

STIPULATION AND CONSENT ORDER

The relief set forth on the following pages, numbered two (2) through _____ is
ORDERED.

.....

**DATED: December 11,
2020**



Honorable John K. Sherwood
United States Bankruptcy Court

COLE SCHOTZ P.C.

Court Plaza North
25 Main Street
Hackensack, New Jersey 07601
Ryan T. Jareck, Esq.
rjareck@coleschotz.com
(201) 489-3000
(201) 489-1536 Facsimile
Counsel to Chapter 11 Trustee

In re:	:	UNITED STATES BANKRUPTCY COURT
	:	FOR THE DISTRICT OF NEW JERSEY
	:	HONORABLE JOHN K. SHERWOOD
STEPHEN J. CONTE, JR.,	:	CASE NO. 18-29278 (JKS)
	:	
Debtor.	:	Chapter 11
	:	
	:	

**STIPULATION AND CONSENT ORDER ABANDONING INTEREST IN RESIDENTIAL
REAL PROPERTY, GRANTING RELIEF FROM THE AUTOMATIC STAY AND
TURNOVER OF FUNDS**

Upon the application (the “**Application**”)⁴ in lieu of motion of Jeffrey Testa, Chapter 11 trustee (the “**Chapter 11 Trustee**”), in support of abandonment of Stephen J. Conte, Jr.’s (the “**Debtor**”) interest in residential real property under section 554 of title 11 of the United States Code, [11 U.S.C. §§ 101-1532](#) (the “**Bankruptcy Code**”), for relief from the automatic stay under section 362(d)(1), turnover of funds and related relief; and this Court having jurisdiction to consider the Application and the relief requested therein; and the Court having determined that the relief sought in the Application is in the best interests of the Debtor, his creditors, estate and all other parties in interest; this Court having determined that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and the Chapter 11 Trustee and the Lender having consented to relief requested in the Application and support the entry of this Stipulated Order;

⁴ All capitalized terms used but not otherwise defined herein shall have the same meanings ascribed to them in the Application.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE AND IT IS HEREBY ORDERED THAT:

1. The Application is GRANTED as set forth herein.
2. The Lender represents and warrants that the Disputed Funds in the amount of \$9,614.20 received by the Lender on July 15, 2019 is the only payment received from the Debtor, his estate, 396 Medical Management Corp., Rochamus Medical Equipment, Inc., Vestibula Diagnostics PA, Open MRI and Imaging of Rochelle Park, P.A. and/or any other business in which the Debtor holds an interest, on account of the mortgage held by the Lender on the Property.
3. Pursuant to section 554 of the Bankruptcy Code, the Debtor's interest in the Property is hereby deemed abandoned effective as of the date of this Order.
4. Bankruptcy Rule 6007 is deemed satisfied by service of the Application on the Notice Parties.
5. Pursuant to section 362(d) of the Bankruptcy Code, the Lender shall be and hereby is granted relief from the automatic stay for the purpose of continuing to prosecute the foreclosure action against the Property. Nothing in this Order shall be construed as an agreement by the Chapter 11 Trustee to provide assistance to or cooperate with the Lender in any way in the Lender's efforts to foreclose on the Property.
6. Within five (5) days of the entry of this Order, the Chapter 11 Trustee shall provide the Lender or Lender's counsel via e-mail with banking instructions for the return of the Disputed Funds. Within twenty (20) days of receipt of the banking instructions, the Lender shall return and remit to the Chapter 11 Trustee the Disputed Funds in the amount of \$9,614.20. If Lender received funds in excess of the \$9,614.20 in Disputed Funds from the Debtor or any of his business entities, the Chapter 11 Trustee reserves all rights and remedies to seek recovery of same.
7. Upon entry of this Order, the Lender shall be deemed to have waived and released the Lender Claim against the Debtor's estate and shall not be authorized to file or assert,

and hereby waives, any and all further claims against the Debtor or his estate, and their respective successors, predecessors, or assigns. The Clerk of the Court shall adjust and remove the Lender Claim from the Debtor's claims register without further Order of this Court.

8. The Chapter 11 Trustee is authorized to take all actions necessary or appropriate to effectuate the relief granted pursuant to this Order in accordance with the Application.

9. The fourteen (14) day stay set forth in Bankruptcy Rule 4001(a)(3) is waived. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of the Order.

10. This Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

STIPULATED AND AGREED:

Dated: November 12, 2020

COLE SCHOTZ P.C.

By: /s/ Ryan T. Jareck

Ryan T. Jareck, Esq.
Court Plaza North
25 Main Street
Hackensack, NJ 07602-0800
Telephone: (201) 489-3000

Counsel to the Chapter 11 Trustee

STEWART LEGAL GROUP, P.L.

By: /s/ Gavin Stewart

Gavin Stewart, Esq.
401 East Jackson Street
Suite 2340
Tampa, FL 33602
Telephone: (813) 371-1231

*Counsel to Specialized Loan Servicing,
LLC, for Morgan Stanley Mortgage Loan
Trust 2007-1XS, U.S. Bank National
Association, as Trustee, successor in
interest to Bank of America, National
Association, as Trustee, successor by
merger to LaSalle Bank National
Association, as Trustee*

In re:
Stephen J. Conte, Jr.
Debtor(s)

Case No. 18-29278-JKS
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Dec 11, 2020

User: admin
Form ID: pdf903

Page 1 of 3
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 13, 2020:

Recip ID	Recipient Name and Address
db	Stephen J. Conte, Jr., 395 North Farview Avenue, Paramus, NJ 07652
aty	+ Norgaard O'Boyle, 184 Grand Ave, Englewood, NJ 07631-3578

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 13, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 11, 2020 at the address(es) listed below:

Name	Email Address
Brian Gregory Hannon	on behalf of Debtor Stephen J. Conte Jr. bhannon@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com
Cassandra C. Norgaard	on behalf of Defendant Stephen J. Conte Jr. cnorgaard@norgaardfirm.com, sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;dtakach@norgaardfirm.com
Denise E. Carlon	on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon	on behalf of Creditor US Bank National Association As Successor Trustee to Bank of America, National Association (Successor

District/off: 0312-2

User: admin

Page 2 of 3

Date Rcvd: Dec 11, 2020

Form ID: pdf903

Total Noticed: 2

by Merger to Lasalle Bank National Association) As Trustee for Morgan Stanley Mortgage Loan Trust
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Gavin Stewart

on behalf of Creditor Specialized Loan Servicing LLC, as servicing agent for Morgan Stanley Mortgage Loan Trust
bk@stewartlegalgroup.com

Jeffrey Thomas Testa

jtesta@mccarter.com J118@ecfbis.com,lrestivo@mccarter.com,agreen@mccarter.com

Jerrold S. Kulback

on behalf of Debtor Stephen J. Conte Jr. jkulback@archerlaw.com, chansen@archerlaw.com

John O'Boyle

on behalf of Attorney Norgaard O'Boyle & Hannon joboyle@norgaardfirm.com,
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

John O'Boyle

on behalf of Defendant Stephen J. Conte Jr. joboyle@norgaardfirm.com,
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

John O'Boyle

on behalf of Plaintiff Stephen J. Conte Jr. joboyle@norgaardfirm.com,
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

John O'Boyle

on behalf of Debtor Stephen J. Conte Jr. joboyle@norgaardfirm.com,
sferreira@norgaardfirm.com;184grandno@gmail.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com

Joshua H. Raymond

on behalf of Plaintiff Allstate New Jersey Insurance Company jraymond@msbnj.com

Joshua H. Raymond

on behalf of Plaintiff Allstate Property and Casualty Insurance Company jraymond@msbnj.com

Joshua H. Raymond

on behalf of Plaintiff Allstate Insurance Company jraymond@msbnj.com

Joshua H. Raymond

on behalf of Plaintiff Allstate New Jersey Property jraymond@msbnj.com

Joshua H. Raymond

on behalf of Plaintiff Allstate Indemnity Company jraymond@msbnj.com

Joshua H. Raymond

on behalf of Creditor Allstate Insurance Company jraymond@msbnj.com

Michael A. Artis

on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov

Michael S. Horn

on behalf of Debtor Stephen J. Conte Jr. mhorn@archerlaw.com

Rebecca Ann Solarz

on behalf of Creditor Morgan Stanley Mortgage Loan Trust 2007-1XS U.S. Bank National Association, as Trustee, successor in
interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank rsolarz@kmlawgroup.com

Richard D. Trenk

on behalf of Defendant Allstate Insurance Company and Related Entities rtrenk@msbnj.com cdeangelis@msbnj.com

Richard D. Trenk

on behalf of Creditor Allstate Insurance Company rtrenk@msbnj.com cdeangelis@msbnj.com

Richard D. Trenk

on behalf of Plaintiff Allstate Insurance Company rtrenk@msbnj.com cdeangelis@msbnj.com

Richard D. Trenk

on behalf of Plaintiff Allstate New Jersey Insurance Company rtrenk@msbnj.com cdeangelis@msbnj.com

Richard D. Trenk

on behalf of Plaintiff Allstate Indemnity Company rtrenk@msbnj.com cdeangelis@msbnj.com

Richard D. Trenk

on behalf of Plaintiff Allstate Property and Casualty Insurance Company rtrenk@msbnj.com cdeangelis@msbnj.com

Richard D. Trenk

on behalf of Plaintiff Allstate New Jersey Property rtrenk@msbnj.com cdeangelis@msbnj.com

Ryan T. Jareck

on behalf of Trustee Jeffrey Thomas Testa rjareck@coleschotz.com fpisano@coleschotz.com

Seth L. Dobbs

on behalf of Debtor Stephen J. Conte Jr. sdobbs@aboylaw.com, TJANNICELLI@ABOYOUNDOBBBS.COM

District/off: 0312-2

User: admin

Page 3 of 3

Date Rcvd: Dec 11, 2020

Form ID: pdf903

Total Noticed: 2

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 30